

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, January 2, 2013

9:00am

In attendance:

Dennis Brennan

Robert Eva

Fred Foeri

Bobby Joe Harris

Michael Januario

Jack King

Quinlan T. Regan

Timothy Byrne, Stanley Davies, Steven Gray and Charles Wright were not in attendance.

Also in attendance were Ron D'Ambruoso, Administrator; Nick Ranone, Chief Mechanical Investigator; E. Patrick Luther, Investigator; and Benjamin Copple, Legal Counsel.

1. – Call to Order: Benjamin Copple, Legal Counsel for the Department, opened the meeting at 9:10am. As Stanley Davies, Chair, and Timothy Byrne, Vice Chair, are both absent for today's meeting, Mr. Copple asks for nominations for a temporary chair in light of the absences. Dennis Brennan nominates Mr. Regan as the Vice Vice Chair; seconded by Robert Eva and Fred Foeri. There being no other nominations, Mr. Regan is temporary chair.

2. – Approval of minutes from December 5, 2012 meeting: Dennis Brennan made a motion to accept the minutes to the previous meeting; seconded by Fred Foeri and passed unanimously by the Board.

3. – Conflict of Interest: Benjamin Copple, Legal Counsel, addressed the board regarding conflicts of interest. Mr. Copple reminded the board that all board members are subject to the RI Code of Ethics. If board member has a personal or business relationship with any of the parties appearing before the board there may be a conflict of interest and should be disclosed.

4. - HEARINGS:

Thomas Howard (Viol 4412): Quinlan T. Regan reads the violation.

Name of Violator: Thomas Howard, 40 Buchanan St, Johnston, RI 02919

Location of Violation: 115 Granite Dr. East Greenwich, RI. 02818

Violation:

RIGL 28-27-4.3 "Pipefitter apprentice", "refrigeration / air conditioning apprentice", "journeyperson sprinkler fitter apprentice", and "journeyperson sheet metal worker apprentice" defined - duration of apprentice programs. (a)

RIGL. 28-27-5.1 "Practices for which a journeyperson or apprentice license required."

On October 11, 2012, Thomas Gravel (RI Sheetmetal LLC) did have Thomas Howard installing duct work at the above location. Mr. Howard is a registered apprentice with the state of RI but did not have his apprentice license in his possession. Mr. Howard was also working unsupervised. These are two violations of the above referenced RI General Laws. Two violations at \$500.00 each.

E. Patrick Luther, RIDLT Investigator; Thomas Howard; and Nicholas D. Ranone, Chief Mechanical Investigator, are sworn in for testimony.

Nicholas Ranone provides testimony. E. Patrick Luther provides testimony. The Board questions Mr. Luther and Mr. Ranone. Mr. Ranone clarifies that the requested fine is \$1,000.00.

Thomas Howard provides testimony. Mr. Ranone addressed the Board. The Board questions Mr. Howard.

Dennis Brennan made a motion that the violation did occur; seconded by Michael Januario and passed unanimously by the Board.

On the penalty, Robert Eva made a motion that if Mr. Howard does not have any violations for the next year the charges be dropped; seconded by Fred Foeri and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

End of hearing.

ANNOUNCEMENTS: Benjamin Copple announced to the Board that this will be his last meeting with the Board as he has taken another position with the Department of Health. The Board expressed their congratulations.

*****Dennis Brennan inquired about the agenda item regarding Conflict of Interest. The item was covered earlier in the meeting. Benjamin Copple reiterated that if a Board member has a relationship, personal or professional, with anyone appearing before the Board, it may raise a conflict issue and should be disclosed. Just knowing someone does not necessarily mean there is a conflict. There is a brief discussion.**

*****Dennis Brennan informed the Board that Steven Clift received a letter informing him that he has been denied to take his test. Mr. Brennan expressed his disappointment in the decision even though the Board had two votes, 7-0 and 7-1, to allow Mr. Clift to take the test.**

5. - ADJOURNMENT: A motion to adjourn was made by Dennis Brennan; seconded by Robert Eva and passed unanimously by the Board.

The meeting adjourned at 9:29am.